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Flintlock Construction Services, LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

S&S FIRE SUPPRESSION SYSTEMS, INC.,

Chapter 11

Case No.: 04-22183 (ASH)

Debtor.

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S&S FIRE SUPPRESSION SYSTEMS, INC.,

Plaintiff,

Adv. Pro. No. 05-08645 (ASH)

-against-

TAP PLUMBING & HEATING, INC., AND
FLINTLOCK CONSTRUCTION SERVICES, LLC.,

Defendants.

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**DESIGNATION OF ITEMS TO BE INCLUDED IN APPEAL AND
STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

PLEASE TAKE NOTICE, that pursuant to Bankruptcy Rule 8006, defendant/appellant
Flintlock Construction Services, LLC ("Flintlock"), states that:

a. the items to be included in the record on appeal are:

Filing Date	#	Docket Text
01/11/2006	9	Motion for Default Judgment <i>as to Flintlock Construction Services, L.L.C.</i> filed by Rosemarie E. Matera on behalf of S&S Fire Suppression Systems, Inc., with hearing to be held on 1/25/2006 at 09:45 AM at Courtroom 520, White Plains Office (Attachments: # (1) Default Motion # (2) Proposed Default Judgment # (3) Affidavit of Service) (Matera, Rosemarie) (Entered: 01/11/2006)

01/27/2006	10	Order signed on 1/25/2006 Granting Motion for Default Judgment. (Related Doc # [9]) (Rodriguez, Awilda) (Judgment Index # WPBC # 06, 0003). Modified on 2/6/2006 (Correa, Mimi). (Entered: 01/27/2006)
01/26/2007	16	Motion to Reopen Adversary Proceeding , and, Motion to Vacate <i>Default Judgment</i> (related document(s)[10]) filed by Michael R. Strauss on behalf of Flintlock Construction Services, LLC. (Attachments: # (1) Amended Affirmation)[15] (Strauss, Michael) Modified on 2/2/2007 (Guercy, Marlene). (Entered: 01/26/2007)
02/09/2007	17	Opposition of <i>S&S Fire Suppression Systems, Inc., to The Motion of Flintlock Construction Services, LLC to (A) Reopen Bankruptcy Case; and (B) Set Aside Default Judgment and Stay Enforcement and Execution</i> (related document(s)[15], [16]) filed by Rosemarie E. Matera on behalf of S&S Fire Suppression Systems, Inc. With hearing to be held on 2/14/2007 (check with court for location) (Attachments: # (1) Exhibit "A"# (2) Exhibit "B"# (3) AOS Opposition to Flintlock Motion) (Matera, Rosemarie) (Entered: 02/09/2007)
02/20/2007	19	Reply Motion to Reconsider FRCP 60 or FRBP 3008 (related document(s)[16]) filed by Michael R. Strauss on behalf of Flintlock Construction Services, LLC. With hearing to be held on 2/22/2007 at 09:45 PM at Courtroom 520, White Plains Office (Strauss, Michael) (Entered: 02/20/2007)
03/01/2007	21	Order signed on 2/28/2007 denying Motion of Flintlock Construction Services, LLC to reopen Adversary Proceeding and set aside default judgment. (Related Doc #16]. (Rodriguez, Awilda) (Entered: 03/01/2007)
03/07/2007	22	Notice of Conventional Filing of Transcript held on 1/25/2006 Re: Motion for Default Judgment. (Rodriguez, Awilda). (Entered: 03/07/2007)
03/09/2007	23	Notice of Appeal (related document(s) [21]) filed by Michael R. Strauss on behalf of Flintlock Construction Services, LLC. (Strauss, Michael) (Entered: 03/09/2007)
03/__/2007	__	Transcript of proceedings held on 2/22/2007 before Judge Hardin with respect to motion to vacate default judgment (Not yet entered).

b. The issues to be presented on appeal are:

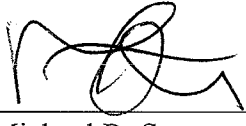
1. Whether the Bankruptcy Court erred as a matter of law in denying the motion where

the underlying default judgment was void due to improper service of process?;

2. Whether the Bankruptcy Court abused its discretion in denying the motion to vacate the default judgment, particularly in view of Flintlock's meritorious defense to the Debtor's claim?

Dated: March 19, 2007

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